



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
CRIMINAL JUSTICE COUNCIL

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Summary Minutes
Juvenile Justice Advisory Group
Tuesday, June 19, 2018
10:00AM -11:00 AM

Kent County Admin Building
555 S. Bay Rd Dover, DE 19702

Committee Members: Michael Arrington (Chair), Hon. Michael Newell (Family Court), Abigail Layton (Attorney General), Lisa Minutola (Chief Defender), Hon. Josette Manning (Secretary of DSCYF), John Stevenson (DSCYF-Sec. Proxy), Carrie Hyla (DSCYF-DFS Prox), Daphne Warner (DSCYF-DPBH Prox), Kimberly Chandler (Homeland Security), Chief Robert Tracy (Wilmington PD), Capt. Peter Sawyer (DSP), Capt. Benjamin Feldman (NCCPD), James Kane (Public Member), Dr. Gwendolyn Scott-Jones (Public Member), Corie Priest (Public Member)

CJC and SAC Staff: Cliffvon Howell (CJC)

Public Attendees: *None*

The agenda items were discussed in the following order:

I. Approval of Minutes from previous JJAG Meeting

The meeting began with an amendment to the previous minutes, the minutes were then approved.

II. Federal Issues

There is currently an issue of losing 10% of funding due to JJAG missing 5 members and these positions must be filled by August 1st. All member names have been submitted and the CJC is awaiting a decision from the Governor's office. A waiver may be requested in order to fill these positions more quickly.

III. Functional Areas Presentation

The JJAG explained legislation for the public members. Constitutional amendments must be passed in 2 sessions. Amenability is when a juvenile is adjudicated with a serious offense, but it is determined they will not benefit from the juvenile system and

are sent up to Superior Court. Reverse Amenability is when a juvenile is charged in Superior Court, but it is determined that he/she would benefit more from the juvenile system.

HB 307 regarding mandatory minimums has already passed. The JJAG discussed why mandatory minimums are harmful. Some reasons included: GPS was not allowed to be used as a mandatory minimum, it placed individuals at a higher level than they needed which causes harm, and the sentence can't be tailored to the juvenile. The group then discussed why mandatory minimums were originally instituted. These reasons included: violent people didn't get strict enough punishments, neighborhood drug dealers were not getting significant prison time, there was not consistency among sentences with similar facts, and that they captured the most violent youth.

HB 339 will have a companion bill with exceptions for risk & capacity issues. It will trigger the motions process. The OJJDP Act requires site and sound separation from adults. A synopsis of the process under HB339 and sight and sound restrictions follows:

All adults and juveniles must be separated by sight and sound, both pre and post-trial, regardless of whether they are in DOC or DSCYF custody. Under HB339, youth charged as an adult, but not yet convicted, will remain pre-trial with DSCYF. Once a youth is convicted of an adult crime, they will move to YCOP where they will remain, separated from sentenced adults, until they turn 18, at which time they will transition into general population.

The group discussed SB 162 regarding video recording of juveniles in interrogations. A concern was that youth will not be taken care of at the scene and they, along with their parents, will have to be transported to the police station. Mr. Arrington asked the group to think about the extent to which parents should be involved when youth are being interrogated.

Bail Subcommittee: best practices are being provided by NJDC about how the statute can be amended. If the adult bail constitutional amendment is passed, bail for juveniles can be examined because Delaware currently allows monetary bail for juveniles.

The DOJ is working on a process to filter out misdemeanor cases. For example, if the youth was already disciplined at school, DOJ would likely go no further with the case. They are early in this process. Mr. Arrington would like a subcommittee on this.

IV. JJAG Administrative Matters

An annual report from the subcommittees must be produced by March 2019. The subcommittees should identify what is ideal practice, what is the current practice, how these match-up, and what are the gaps in the juvenile justice system.

Prevention Subcommittee: There are prevention templates from NCJA and CJC that can be sent out to the subcommittee. Previous prevention efforts have included the Nativity School for boys in Wilmington and Serviam Academy for girls with the goal of getting their students accepted to private/catholic schools in Delaware. The prevention approach went from “shotgun” to targeted. Child abuse prevention plays have been used to prevent child abuse.

Another suggestion for prevention was training School Resource Officers’ on interacting with students with disabilities and on Adverse Childhood Experience (ACEs). SROs have struggled to understand the complexities of these students. A training curriculum could benefit street officers as well.

V. Adjourn

The meeting adjourned at 11:08am.

Respectfully submitted,
Cliffvon Howell
Juvenile Justice Specialist
Notes compiled by Monica Celli